

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0685-WQ-E TCEQ ID: RN105473672 CASE NO.: 37586
RESPONDENT NAME: GEORGE SPRAGUE DBA GEORGE'S TIRE SHOP

Page 1 of 2

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATIONS OCCURRED: Intersection of Corpus Christi Street and Dallas Street in Rockport, Aransas County

TYPE OF OPERATION: Scrap waste and recycling facility

SMALL BUSINESS: ☒ Yes ☐ No ☐ N/A

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired November 9, 2009. No comments were received.

CONTACTS AND MAILING LIST:
 TCEQ Attorney: Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
 TCEQ Enforcement Coordinator: Ms. Lanae Foard, Water Enforcement Section, MC 169, (512) 239-2554
 TCEQ Regional Contact: Mr. David Kennebeck, Corpus Christi Regional Office, MC R-14, (361) 825-3111
 Respondent: Mr. George Sprague, Owner, George's Tire Shop, Post Office Box 1933, Rockport, Texas 78381
 Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 9, 2009</p> <p>Date of NOE Relating to this Case: April 9, 2009</p> <p>Background Facts: The EDPRP was filed on August 10, 2009, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: The Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p>WQ: Failed to obtain authorization to discharge storm water associated with industrial activities [40 C.F.R. § 122.26(c) and 30 TEX. ADMIN. CODE § 281.25(a)(4)].</p>	<p>Total Assessed: \$3,150</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$3,150</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none">1. Within 30 days, develop and implement a storm water pollution prevention plan and submit a Notice of Intent letter to obtain authorization to discharge storm water from a scrap and waste recycling facility.2. Within 45 days, submit written certification demonstrating compliance.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	13-Apr-2009	Screening	21-Apr-2009	EPA Due	
	PCW	27-Jul-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	George Sprague dba George's Tire Shop		
Reg. Ent. Ref. No.	RN105473672		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	37586	No. of Violations	1	
Docket No.	2009-0685-WQ-E	Order Type	1660	
Media Program(s)	Water Quality	Government/Non-Profit	Yes	
Multi-Media		Enf. Coordinator	Lanae Foard	
		EC's Team	Enforcement Team 1	
Admin. Penalty \$ Limit Minimum		\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$3,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 5.0% Enhancement **Subtotals 2, 3, & 7** \$150

Notes An enhancement is recommended due to one NOV with violations same or similar to those cited in this action

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$171
Approx. Cost of Compliance \$2,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$3,150

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes **Final Penalty Amount** \$3,150

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$3,150

DEFERRAL 0.0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral not offered for non-expedited settlement.

PAYABLE PENALTY \$3,150

Screening Date	21-Apr-2009	Docket No.	2009-0685-WQ-E	PCW
Respondent	George Sprague dba George's Tire Shop			Policy Revision 2 (September 2002)
Case ID No.	37586			PCW Revision October 30, 2008
Reg. Ent. Reference No.	RN105473672			
Media [Statute]	Water Quality			
Enf. Coordinator	Lanae Foard			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)		Enter Number Here	Adjust.
Component	Number of...		
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

An enhancement is recommended due to one NOV with violations same or similar to those cited in this action

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date	21-Apr-2009	Docket No.	2009-0685-WQ-E	PCW																										
Respondent	George Sprague dba George's Tire Shop		Policy Revision 2 (September 2002)																											
Case ID No.	37586	PCW Revision October 30, 2008																												
Reg. Ent. Reference No.	RN105473672																													
Media [Statute]	Water Quality																													
Enf. Coordinator	Lanae Foard																													
Violation Number	1																													
Rule Cite(s)	30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c)																													
Violation Description	<p>Failed to obtain authorization to discharge storm water associated with industrial activities, as documented during an investigation conducted on February 9, 2009. Specifically, the investigator observed scrap metal parts, empty cylinders and tanks, tires, industrial equipment, vehicles, and small boats in the facility yard with no best management practices ("BMPs") in place and the Respondent had not obtained a Texas Pollutant Discharge Elimination System Multi-Sector General Permit.</p>																													
Base Penalty			\$10,000																											
>> Environmental, Property and Human Health Matrix																														
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;"></td> <td style="width:10%; text-align: center;">Harm</td> <td style="width:10%;"></td> <td style="width:10%;"></td> <td style="width:10%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>					Harm					Major	Moderate	Minor		Release					Actual					Potential					Percent <input type="text" value="0%"/>
		Harm																												
		Major	Moderate	Minor																										
Release																														
Actual																														
Potential																														
>> Programmatic Matrix																														
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	Falsification																													
	Major	Moderate	Minor																											
	x																													
Matrix Notes	100% of the rule requirement was not met.																													
Adjustment			\$9,000																											
			\$1,000																											
Violation Events																														
Number of Violation Events		<input type="text" value="3"/>	<input type="text" value="71"/>	Number of violation days																										
mark only one with an x	daily	<input type="text"/>		Violation Base Penalty <input type="text" value="\$3,000"/>																										
	weekly	<input type="text"/>																												
	monthly	<input type="text" value="x"/>																												
	quarterly	<input type="text"/>																												
	semiannual	<input type="text"/>																												
	annual	<input type="text"/>																												
	single event	<input type="text"/>																												
<p>Three monthly events are recommended from the investigation date (February 9, 2009) to the screening date (April 21, 2009).</p>																														
Good Faith Efforts to Comply		0.0% Reduction		\$0																										
	Before NOV	NOV to EDRP/Settlement Offer																												
Extraordinary	<input type="text"/>	<input type="text"/>																												
Ordinary	<input type="text"/>	<input type="text"/>																												
N/A	<input type="text" value="x"/>	(mark with x)																												
Notes	The Respondent does not meet the good faith criteria for this violation.																													
Violation Subtotal			\$3,000																											
Economic Benefit (EB) for this violation																														
Statutory Limit Test																														
Estimated EB Amount		<input type="text" value="\$171"/>	Violation Final Penalty Total <input type="text" value="\$3,150"/>																											
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$3,150"/>																											

Economic Benefit Worksheet

Respondent George Sprague dba George's Tire Shop
Case ID No. 37586
Reg. Ent. Reference No. RN105473672
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs	\$2,000	4-Mar-2008	17-Nov-2009	1.71	\$171	\$171
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to obtain a permit to discharge storm water, including developing and implementing a storm water pollution prevention plan. Date Required is the date the violation was initially documented and Final Date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$171

Compliance History Report

Customer/Respondent/Owner-Operator: CN603330499 SPRAGUE, GEORGE Classification: AVERAGE Rating: 3.00
Regulated Entity: RN105473672 GEORGE'S TIRE SHOP Classification: AVERAGE Site Rating: 3.00
ID Number(s):
Location: at the intersection of Corpus Christi Street and Dallas Street in Rockport, Aransas County, Texas
TCEQ Region: REGION 14 - CORPUS CHRISTI
Date Compliance History Prepared: April 21, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 21, 2004 to April 21, 2009
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Lanae Foard Phone: 512-239 - 2554

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 10/31/2008 (704357)
2 04/09/2009 (740237)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 04/02/2008 (640744)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

TPDES SW MSGP Part II, C (2), page 22 PERMIT

Description: Failure to obtain authorization to discharge storm water associated with industrial activity to water in the state through an individual permit or the MSGP TXR050000 issued under the TPDES. The facility's primary SIC code (5093) falls under sector N of the MSGP.

- F. Environmental audits.

N/A

- G. Type of environmental management systems (EMSs).

N/A

- H. Voluntary on-site compliance assessment dates.

N/A

- I. Participation in a voluntary pollution reduction program.

N/A

- J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GEORGE SPRAGUE DBA
GEORGE'S TIRE SHOP;
RN105473672

§
§
§
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§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER DOCKET NO. 2009-0685-WQ-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is George Sprague dba George's Tire Shop ("Mr. Sprague").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Mr. Sprague owns and operates a scrap waste and recycling facility located at the intersection of Corpus Christi Street and Dallas Street in Rockport, Aransas County, Texas (the "Facility").
2. Mr. Sprague caused, suffered, or allowed the discharge of waste from the Facility into or adjacent to any water in the state or committed another act that has caused or will cause pollution of any state water under the Texas Water Code
3. During an investigation conducted on February 9, 2009, a TCEQ Corpus Christi Regional Office investigator documented that Mr. Sprague failed to obtain authorization to discharge storm water associated with industrial activities. Specifically, the investigator observed scrap metal parts, empty cylinders and tanks, tires, industrial equipment, vehicles and small boats in the Facility yard with no best management practices in place, and the Respondent has not obtained a Texas Pollutant Discharge Elimination System Multi-Sector General Permit.
4. Mr. Sprague received notice of the violation on or about April 14, 2009.

5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of George Sprague dba George's Tire Shop" (the "EDPRP") in the TCEQ Chief Clerk's office on August 10, 2009.
6. By letter dated August 10, 2009, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Sprague with notice of the EDPRP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Mr. Sprague received notice of the EDPRP.
7. More than 20 days have elapsed since Mr. Sprague received notice of the EDPRP, provided by the Executive Director. Mr. Sprague failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Sprague is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Mr. Sprague failed to obtain authorization to discharge storm water associated with industrial activities, in violation of 40 C.F.R. § 122.26(c) and 30 TEX. ADMIN. CODE § 281.25(a)(4).
3. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served Mr. Sprague with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
4. As evidenced by Finding of Fact No. 7, Mr. Sprague failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. Sprague and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Sprague for violations of the Texas Water Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of three thousand one hundred fifty dollars (\$3,150.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. Sprague is assessed an administrative penalty in the amount of three thousand one hundred fifty dollars (\$3,150.00) for violations of state statutes and TCEQ rules. The payment of this administrative penalty and Mr. Sprague's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: George Sprague dba George's Tire Shop; Docket No. 2009-0685-WQ-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Mr. Sprague shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, Mr. Sprague shall develop and implement a storm water pollution prevention plan and submit a Notice of Intent letter to obtain authorization to discharge storm water from a scrap and waste recycling facility, in accordance with 30 TEX. ADMIN. CODE § 281.25(a)(4) and Storm Water Multi-Sector General Permit No. TXR050000 to:

Texas Commission on Environmental Quality
Storm Water Processing Center, MC 228
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Order, Mr. Sprague shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Mr. Sprague shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision No. 2.a. to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Texas Commission on Environmental Quality
Corpus Christi Regional Office
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Mr. Sprague. Mr. Sprague is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If Mr. Sprague fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Sprague's failure to comply is not a violation of this Order. Mr.

Sprague shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Sprague shall notify the Executive Director within seven days after Mr. Sprague becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Sprague shall be made in writing to the Executive Director. Extensions are not effective until Mr. Sprague receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Sprague if the Executive Director determines that Mr. Sprague has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

George Sprague dba George's Tire Shop
Docket No. 2009-0685-WQ-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF TOMMY TUCKER HENSON II

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

"My name is Tommy Tucker Henson II. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of George Sprague dba George's Tire Shop" (the "EDPRP") was filed with the Office of the Chief Clerk on August 10, 2009.

The EDPRP was mailed to Mr. Sprague at his last known address on August 10, 2009, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Mr. Sprague received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

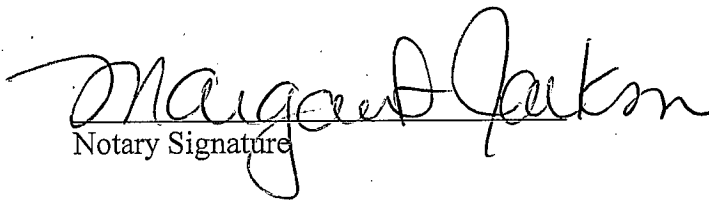
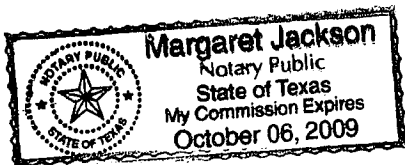
More than 20 days have elapsed since Mr. Sprague received notice of the EDPRP. Mr. Sprague failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference."



Tommy Tucker Henson II, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Tommy Tucker Henson II, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 23 day of September, 2009.



Notary Signature